

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RENE CARRASQUILLO,

Petitioner,

Vs

9:09-CV-516

DEBORAH SCHULT,

Respondent.

APPEARANCES:

RENE CARRASQUILLO
Petitioner, Pro Se
15450-014
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Ray Brook, NY 12977

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Attorney General of the
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Attorney for Defendants
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100 South Clinton Street
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DAVID N. HURD
United States District Judge

OF COUNSEL:

CHARLES E. ROBERTS, ESQ.
Asst. Attorney General

O R D E R

Petitioner, Rene Carrasquillo, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Report-Recommendation dated November 3, 2009, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the petition in this matter be dismissed for lack of jurisdiction, and that petitioner has not made a substantial showing of the denial of a constitutional right; and further, that a certificate of appealability should not issue with respect to any of claims set forth in the petition. The

petitioner has filed timely objections to the Report-Recommendation and the respondent has filed a response.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Peebles, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

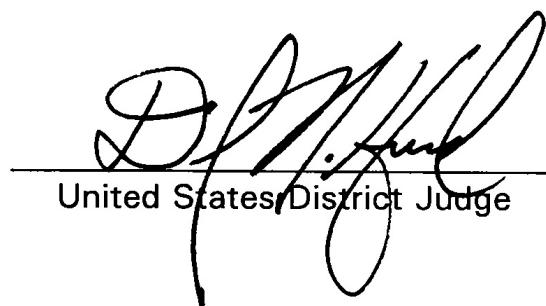
Accordingly, it is

ORDERED that

1. The petition is DISMISSED in all respects; and
2. A Certificate of Appealability will not be issued.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

A handwritten signature in black ink, appearing to read "D.N.H.", is written over a horizontal line. Below the line, the text "United States District Judge" is printed in a standard font.

Dated: May 9, 2011
Utica, New York.